

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

FILEDUnited States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court**UNITED STATES DISTRICT COURT**for the
District of New Mexico

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*A WHITE CHEVROLET TAHOE BEARING VIN
1GNEK13Z53R142478 STORED AT THE FBI
ALBUQUERQUE, GALLUP RESIDENT AGENCY

Case No. MR 22-312

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANSI, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See attachment A

located in the _____ District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 §1153	Offenses Committed Within Indian Country
Title 18 §1112	Involuntary Manslaughter

The application is based on these facts:

See attached affidavit that was approved by Supervisory AUSA Kyle Nayback

☒ Continued on the attached sheet.☐ Delayed notice of _____ days *(give exact ending date if more than 30 days)* is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Curtis Imming, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

Telephonically sworn and electronically signed *(specify reliable electronic means)*.Date: March 1, 2022

Judge's signature

City and state: Farmington, New Mexico

B. Paul Briones, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF A
WHITE CHEVROLET TAHOE BEARING
VIN 1GNEK13Z53R142478 STORED AT
THE FBI ALBUQUERQUE, GALLUP
RESIDENT AGENCY, GALLUP, NEW
MEXICO

Case No. _____

Filed Under Seal

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Curtis Imming, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since July 2014. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency. My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. The information set forth in this affidavit has been derived from an investigation conducted by your affiant and/or communicated to him by other sworn Law Enforcement Officers and Emergency Medical Personnel. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that violations of 18 U.S.C. §1153 – Offenses committed within Indian Country, 18 U.S.C. §1112 – Involuntary Manslaughter, N.M.S.A. 66-8-102 – Driving Under the Influence, and N.M.S.A. 66-8-113 – Reckless Driving, were committed by MARIAH

CHAPO, and will be found within the interior and exterior of a white Chevrolet Tahoe bearing VIN 1GNEK13Z53R142478, hereafter the TARGET VEHICLE, involved in a fatal accident on February 11, 2022.

3. Because this affidavit is submitted for the limited purpose of securing authorization to search the vehicle described in Attachment A, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant to secure information described in Attachment B.

PROBABLE CAUSE

4. On February 11, 2022, FBI Albuquerque (AQ), Gallup Resident Agency (GRA) was contacted by Navajo Police Department (NPD) Criminal Investigations (CI) related to a one vehicle accident resulting in the death of N.F (hereinafter referred to a JOHN DOE) YOB 2021 (juvenile).

5. The responding NPD Officer, I.T. (hereinafter referred to as WITNESS 1) arrived on scene and identified a white Chevrolet SUV with roll over damages. WITNESS 1 identified MARIAH CHAPO standing near the ambulance. CHAPO displayed signs and symptoms of being intoxicated to include unsteady balance and slightly slurred speech. CHAPO was holding JOHN DOE and would not let emergency personnel check or hold JOHN DOE.

6. Eventually, CHAPO relinquished custody of JOHN DOE and emergency personnel later pronounced JOHN DOE deceased with a visible head injury.

7. The TARGET VEHICLE's final resting position was facing north on Mt. Powell Road with visible damage to the passenger side and roof of the vehicle. There were items on the ground near the passenger side which appeared to be ejected during the accident.

8. Based off the NPD Police Dispatch log, CHAPO was transported to Gallup Indian Medical Center (GIMC) by EMT services, seen, and released later that evening, however, she was taken into custody by NPD.

9. CHAPO was transported by NPD to meet with New Mexico State Police (NMSP) Officer D.L. (hereinafter referred to as WITNESS 2), YOB Unknown, for a Blood Alcohol Content (BAC) test. At approximately 11:33 p.m. CHAPO's BAC was .12. An additional test conducted again by WITNESS 2 at 11:35 p.m. revealed a BAC of .11.

10. Upon completion of the test, CHAPO was transported to the NPD Crownpoint station where she was booked and released the next morning.

11. An inventory search of the TARGET VEHICLE was conducted by NPD Criminal Investigations (CI) along with photos of the scene. One container identified with Importer's Vodka on the label was collected from the back passenger seat area. Additionally, outside the vehicle, another container with Importer's Vodka on the label was collected.

12. Following the inventory search, the TARGET VEHICLE was towed by Thoreau Wrecker Service and stored and stored at their facility until transported and released to FBI AQ, GRA on February 22, 2022.

13. Sergeant Ryan Boone of the New Mexico State Police Crash Reconstruction Unit advised that the TARGET VEHICLE should be equipped with an Event Data Recorder that could have recorded information such as pre-impact speed, throttle position, brake usage, seat belt usage, and engine RPM prior to impact. Sergeant Boone advised that NMSP Crash Reconstruction Unit had the equipment to gain access to this device and data stored within.

14. On February 16, 2022, FBI AQ, GRA and NPD CI interviewed CHAPO. CHAPO provided that on February 11, 2022, CHAPO, N.F. (hereinafter referred to as WITNESS 3),

YOB 1989, B.F. (hereinafter referred to as WITNESS 4), YOB 1988, and JOHN DOE drove In the white Chevrolet Tahoe bearing VIN 1GNEK13Z53R142478 to collect wood. Prior to the accident, CHAPO thought she was driving, however, she was intoxicated and everything was a blur. After the accident, CHAPO just remembered holding JOHN DOE. It was just her and JOHN DOE at the scene. CHAPO was so intoxicated she couldn't recall what happened.

15. CHAPO said JOHN DOE was secured in his car seat when they went out to collect wood but couldn't recall if he was prior to the accident.

16. The search of the scene was negative for an infant car seat.

17. On February 16, 2022, FBI AQ, GRA and NPD CI interviewed WITNESS 3 and 4. Both provided they got in an argument prior to CHAPO driving away with JOHN DOE in the white Chevrolet Tahoe bearing VIN 1GNEK13Z53R142478. Neither were in the vehicle when it left and they had to walk home. Both WITNESS 3 and 4 saw the scene of the crash. Additionally, CHAPO, WITNESS 3, and WITNESS 4 had been drinking that day.

JURISDICTIONAL STATEMENT

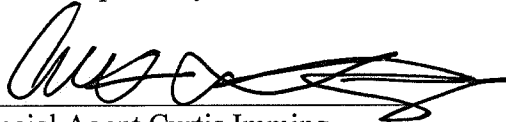
18. The location of where the accident took place was within the exterior boundaries of the Navajo Nation, which is Indian Country in the District of New Mexico. CHAPO is an enrolled member of the Navajo Nation.

CONCLUSION

19. Based on the facts contained within this affidavit, I believe probable cause exists to search the TARGET VEHICLE (see Attachment A), and to seize the evidence establishing the crimes under investigation (see Attachment B).

20. Assistant United States Attorney Kyle Nayback reviewed and approved this affidavit in support of an application for a search warrant.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Curtis Imming', written over a horizontal line.

Special Agent Curtis Imming
Federal Bureau of Investigation

Telephonically SUBSCRIBED and SWORN to before
me this 1st day of March 2022.

A handwritten signature in black ink, appearing to read 'B. Paul Briones', written over a horizontal line.

B. Paul Briones
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

The interior and exterior of a white Chevrolet Tahoe bearing VIN 1GNEK13Z53R142478 (documented in photos below) currently in storage at FBI Albuquerque, Gallup Resident Agency, Gallup, New Mexico.



ATTACHMENT B

Particular Things to be Seized

As a result of this investigation, there is probable cause to believe that contained within the interior and/or exterior of the white Chevrolet Tahoe bearing VIN 1GNEK13Z53R142478, there is evidence related to 18 U.S.C § 1153 – Offenses Committed Within Indian Country, 18 U.S.C § 1112 – Involuntary Manslaughter, N.M.S.A 66-8-102 – Driving Under the Influence, and NMSA § 66-8-113 – Reckless Driving. The search warrant authorized the collection of the following:

1. Alcoholic beverage(s) and/or alcoholic beverage container(s) containing any amount of beverage whether open or closed. Any package(s) apparently used to advertise, store and/or transport alcoholic beverage(s). Any document(s) recorded on any media which indicates and/or tends to indicate the advertisement, sale, purchase, use, consumption, transfer and/or storage of alcoholic beverage(s).
2. Controlled substances, including drug paraphernalia and drug packaging materials.
3. Car seat which was provided as being used by CHAPO to secure JOHN DOE.
4. Item(s) which establish or tend to establish possession, use, occupancy, presence and/or the right to possession of the vehicle to be searched.
5. Documentation of the herein-described premises, vehicle(s), person(s) and/or the herein described item(s), to be seized, by means of measurement, photography, and/or videography.
6. Any collision and/or crash data device(s) including data stored on/within the internal and/or external memory of the device(s).